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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,903	10/10/2001	Hiroshi Akatsuka	027260-493	4461

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EXAMINER
MITCHELL, JASON D

ART UNIT	PAPER NUMBER
2124	

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/972,903	AKATSUKA, HIROSHI
	Examiner	Art Unit
	Jason Mitchell	2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 October 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 October 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☒ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This application claims priority to JP 2001-088363 filed on 3/26/2001. For

priority to be perfected an English language translation must be provided.

2.   Claims 1-20 are pending in this case.

Specification

3.   The title of the invention is not descriptive. A new title is required that is

clearly indicative of the invention to which the claims are directed.

The following title is suggested: EMULATOR AND EMULATION METHOD WITH

UPDATABLE CIRCUIT DATA.

Drawings

4.   Figures 4 and 5 should be designated by a legend such as --Prior Art--

because only that which is old is illustrated, as indicated in the brief description of

the drawings. See MPEP § 608.02(g). Corrected drawings in compliance with

37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment

of the application. The replacement sheet(s) should be labeled "Replacement

Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any

portion of the drawing figures. If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the

next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-4 and 11-14 are rejected under 35 U.S.C. 102(e) as being

anticipated by USPN 6,598,176 B1 to Tago (Tago).

Regarding Claims 1 and 11: Tago discloses an emulator (col. 10, lines 14-20

'estimation apparatus') and emulation method (col. 40, line 35 'A method of

estimating') comprising: a receiving means (col. 10, lines 14-20 'external

communications interface unit') for receiving circuit data (col. 10, lines 47-52

'system estimation program', and col. 1, lines 19-20 'system (hardware)') used

for implementing debugging functions (col. 10, lines 47-52 'system estimation

program'); a storage means (col. 10, lines 14-20 'data holding unit') for storing

the circuit data (col. 10, lines 47-52 'system estimation program') received by

said receiving means therein; and an emulation means (col. 10, lines 14-20 'the

processing unit') for performing emulation according to the circuit data (col. 10,

lines 47-52 'system estimation program') stored in said storage means.

Regarding Claims 2 and 12: The rejection of claims 1 and 11 is incorporated;

further, Tago discloses that, said receiving means receives a piece of firmware

(col. 10, lines 46-56 'system estimation program') that controls operations of said

emulation means (col. 10, lines 59-61 'reads the system estimation program ...

and operates the microcontroller').

Regarding Claim 3: The rejection of claim 1 and 11 is incorporated; further Tago

discloses a means for changing a use of a hardware resource (col. 10, lines 59-

61) by updating the circuit data stored in said storage means (col. 10, lines 14-20

'rewritable ROM').

Regarding Claim 4: The rejection of claim 2 and 12 is incorporated; further Tago

discloses a means for changing a use of a hardware resource (col. 10, lines 59-

61) by updating the circuit data stored in said storage means (col. 10, lines 14-20

'rewritable ROM').

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

8.   Claims 5-10 and 15-20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over USPN 6,598,176 B1 to Tago (Tago) in view of US

2001/004226 submitted by Dzoba et al. (Dzoba).

Regarding Claims 5-7 and 15-17: The rejection of claims 1-3 and 11-13 are

incorporated, respectively; further, Tago does not explicitly disclose that said

receiving means receives the circuit data from a personal computer. Instead

Tago discloses receiving the data from an external device (col. 5, lines 3-5 'an interface unit for external communications').

Dzoba teaches that said receiving means receives the circuit data from a personal computer (par. [0081] 'accessed over ... a Local Area Network'), in an analogous art for the purpose of providing access to the debug component information (par [0079] 'debug component database').

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the system taught by Dzoba to download circuit data stored on a PC to the emulator disclosed in Tago.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide the ability to view and edit the circuit data before transmitting it to the emulator (Dzoba [0082] 'a software representation ... is created').

Regarding Claims 8-10 and 18-20: The rejection of claims 1-3 and 11-13 are incorporated, respectively; further Tago does not explicitly disclose that said receiving means downloads the circuit data from a homepage. Instead Tago discloses receiving from an external device (col. 5, lines 3-5).

Dzoba teaches that said receiving means downloads the circuit data from a homepage (par. [0081] 'accessed over ... the Internet'), in an analogous art for the purpose of providing access to the debug component information (par [0079]).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the system taught by Dzoba to download circuit data from a

homepage to the emulator disclosed in Tago. Because one of ordinary skill in the

art would have been motivated to communicate the circuit data to the emulator

from an external source (Tago col. 10, lines 54-56 'through the external

communication interface unit') which might be, geographically separated from the

emulator.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. USPN 6,502,221 granted on 12/31/2002 to Vogel et al.,

USPN 6,453,456 B1 granted on 09/17/2002 to Price, US Pub. 2004/0088150 A1,
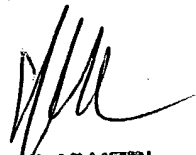
published on 05/06/2004 by Gay.

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Jason Mitchell whose telephone number is

(703)305-0064. The examiner can normally be reached on 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Kakali Chaki can be reached on (703)305-9662. The fax

phone number for the organization where this application or proceeding is

assigned is 703-872-9306.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

Jason Mitchell
Examiner AU 2124
08/19/2004

ANIL KHATRI
PRIMARY EXAMINER